

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

CANDY KELLY, an individual, and
DAVID MICHAEL KELLY, an
individual,

Plaintiffs,

v.

EVERETT R. ECHOLS, M.D., an
individual; TOM A. CHAPMAN, an
individual; EZ RX, an unknown business
entity, QUALITEST
PHARMACEUTICALS, INC., a domestic
corporation, and DOES 1-10, inclusive,

Defendants.

CIV- F-05-118 AWI SMS

ORDER VACATING JULY 21,
2008, HEARING DATE AND
TAKING MATTER UNDER
SUBMISSION

Currently pending before this Court is Defendants' motion for summary judgment. This motion is set for hearing on July 21, 2008, at 1:30 p.m. The court has reviewed the moving papers and has determined that this matter is suitable for decision without oral argument. Local Rule 78-230(h).

Therefore, IT IS HEREBY ORDERED that the previously set hearing date of July 21, 2008, is VACATED, and the parties shall not appear at that time. As of July 21, 2008, the Court will take Defendant's motion to dismiss under submission and will thereafter issue its decision.

IT IS SO ORDERED.

Dated: July 16, 2008

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE